

Contemporary forms of slavery in

# Peru

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Anti-Slavery International 2006

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Map of Peru

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# Map of Latin America



# Map of Peru



# 1. Background

In 2000, a corruption scandal ended Alberto Fujimori's third term as President and brought in a transitional government which ruled the country until Alejandro Toledo was elected to the Presidency in July 2001. Although the Toledo Administration took power following a recession, the country responded positively to the Government's economic policy and social programmes that provided poor people with assistance during an economic downturn. However, by 2004 Toledo's public approval had dropped following scandals involving his ministers and family members. In June 2006, former president Alan Garcia (from 1985-1990) was elected president in a run-off against nationalist former army officer Ollanta Humala. Mr. Garcia's victory was in part due to the support of the middle classes and business community who were alienated from the strong leftist rhetoric of Ollanta Humala, coupled with overt support he received from President Hugo Chavez of Venezuela.

Poverty is heavily concentrated in rural areas, where more than two-thirds of the population is poor. Over half of rural Peruvians are considered extremely poor, living on less than US\$1 a day. Poverty rates in the highlands and Amazon are nearly double that of coastal regions. More than half of the extremely poor population resides in the rural highlands, though it has less than a quarter of the national population.

Indigenous peoples comprise an estimated 15 per cent of the population, but have a poverty rate of 70 per cent.

## Development indicators<sup>1</sup>

**Population: 27.6 million**

**Urban population: 74 per cent of total population**

**GNI per capita: US\$ 2,360**

**Poverty: 52 per cent of the population live below the poverty line<sup>2</sup>**

**Life expectancy: 70 years**

**Infant mortality: 24 per 1,000 live births**

**Child malnutrition: 7 per cent of children under five**

**Access to an improved water source: 81 per cent of the population**

**Illiteracy: 12 per cent of the population aged 15 and over**

<sup>1</sup> All indicators from the World Development Indicators database and *Peru: at a glance fact sheet*, World Bank, April 2006, except for poverty indicator.

<sup>2</sup> Movimiento el Pozo and International Organization for Migration, *Trata de Mujeres para Fines Sexuales Comerciales en el Perú*, Lima, IOM, 2005, page 24.

## Peru's adherence to some of the principal international standards which prohibit contemporary forms of slavery

| <b>International standards</b>  | <b>Ratified</b> | <b>Signed but not ratified</b> | <b>Not signed or ratified</b> |
|---|-----------------|--------------------------------|-------------------------------|
| ILO Convention No. 29 on Forced or Compulsory Labour, 1929.   | ✓               |                                |                               |
| UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.                                      |                 | ✓                              |                               |
| UN International Covenant on Civil and Political Rights, 1966.  | ✓               |                                |                               |
| UN Convention on the Elimination of All Forms of Discrimination against Women, 1979.  | ✓               |                                |                               |
| UN International Convention on the Protection of the Rights of All Migrant Workers and Their Families, 1990.  | ✓               |                                |                               |
| ILO Convention No. 182 on the Worst Forms of Child Labour, 1999.  | ✓               |                                |                               |
| UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime, 2000. | ✓               |                                |                               |

## 2. Forced labour in the Amazon

### 2.1 The context of forced labour in the Amazon

Forced labour in the Amazon takes place in illegal logging activities. In recent years the increased global price of luxury hardwoods, such as mahogany and cedar, has led to an intensification of the exploitation of Amazon timber. Logging activities have been pushed into previously protected areas, with forced labour being used in order to maintain a supply of labour to these remote areas at a low cost. The International Labour Organization (ILO) estimates that profits from illegal logging alone are US\$75 million.<sup>3</sup>

The majority of illegal logging takes place on land owned by indigenous communities who have very little or no contact with the outside world. Indigenous people and *mestizos*<sup>4</sup> are forced labourers, with the majority of mestizos coming from cities far away whilst indigenous labourers come from the local communities living on that land or nearby. Given the extremely isolated locations and clandestine nature of this activity it is extremely difficult to estimate the number of people involved. However, the ILO estimate that 33,000 people are forced to work in the Peruvian Amazon, with the main areas being Ucayali, Madre de Dios, Loreta, Pucallpa, Atalaya and Puerto Maldonado.<sup>5</sup>

There are two main forms of forced labour in logging activities in the Amazon: the first where the indigenous communities are contracted to provide timber from their own land and the second where the timber bosses hire indigenous and mestizo men to work on their camps. Both forms employ deception to entrap workers in a cycle of debt and servitude, that can be passed on from one generation to the next.

### 2.2 Working conditions and abuses

#### Forced labour of indigenous communities

A common form of forced labour is when the timber company bosses are able to exploit the labour of an indigenous community to extract the valuable timber without actually controlling the land. Middlemen approach indigenous communities and offer them advances in the form of basic goods (such as rice, salt, boots and rifles), public goods (such as building a school or playing field) or money. These advances form part of a verbal or written contract whereby the community agrees to provide the middleman with an amount of timber of a specified quality, although usually the contract does not detail the price of the timber.<sup>6</sup>

The middlemen exploit the communities' ignorance of the value of money, value of timber and prices of basic goods to charge excessively high prices for the goods whilst under-valuing the timber. Hence, when the indigenous workers return with the agreed quantity of timber they are told that it is of inferior quality and therefore not worth as much as agreed. In order to work off their advances they must therefore keep working and provide more timber.

Concurrently, the workers are accumulating debts with the middlemen by purchasing food and basic goods from them. As they do not know the cost of these products they often pay between three to five times the price for them. Therefore the initial "advance" now becomes a debt that must be paid off by the provision of more timber.

The middlemen repeatedly postpone final payment on delivered timber whilst continuing to under-value it thereby increasing the debt incurred by the communities. Additionally, the communities'

<sup>3</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *El Trabajo Forzoso en la Extracción de la Madera en la Amazonía Peruana*, ILO, Geneva, March 2005, page ix.

<sup>4</sup> Mestizos are people of mixed indigenous and European descent.

<sup>5</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op. cit.*, page ix.

<sup>6</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op. cit.*, page 5.

“contracts” often state that they are not allowed to sell their timber to, or work for, anyone else. Thus the communities gradually find themselves trapped: they are increasingly indebted to the middlemen, and underpaid for timber, and do not have the capacity to seek work or money from elsewhere to pay them back. Middlemen can exploit this situation by demanding that the debt be repaid by providing free labour at logging camps. Therefore it can be seen that the initial advance given is a mechanism to trap free labour and convert it into forced labour.

### **Recent evidence of indigenous communities enslaved**

**Middlemen for a logging company presented leaders of the Cashibo-Cacataibo indigenous community<sup>7</sup> with chainsaws, machetes and boots in return for the “permission” to transport 20 members of the community - men, women and children - to a logging camp. Once there, the workers were prohibited from leaving the camp and only received payment in the form of tins of tuna and other basic items. Despite difficulties in denouncing the crime, in December 2001 the Ministry of Labour (Ministerio de Trabajo) were able to free the captive workers on the basis of evidence given to them by other members of the community.<sup>8</sup>**

### **Forced labour on logging camps**

The ILO estimates that a third of all forced labour in logging in the Amazon takes place on logging camps. Approximately 75 per cent are *mestizos* from cities in the highlands and on the coast, whilst 25 per cent are indigenous, recruited from the local or neighbouring areas. In some cases, local indigenous leaders are contracted to recruit men from their communities and in rare cases armed groups have been known to capture indigenous men and force them to work in the camps.<sup>9</sup>

As with the entrapment of indigenous

communities, a cycle of indebtedness is created by the payment of an advance and subsequent purchase of food and basic goods from the camp store. The goods are sold at extremely inflated prices whilst the workers also pay accommodation and medical costs, as well as interest on their debt. Soon workers realise that they will not be able to earn and save money as initially promised, and some try to escape. The camp bosses employ various methods to control the workers; from the use and threat of violence (camp guards are usually armed) and death threats to the retention of documents and wages. Compounded by the fact that the camps are in extremely isolated parts of the Amazon, escape is virtually impossible.

Workers are often not paid until the end of the season, when they are told that their debts are greater than their earnings and that they will have to return next season to pay off the outstanding debt.

It is also common for women and children to accompany the men to the camps, carrying out tasks such as cooking, cleaning and logging. These tasks go unrecognised by the camp bosses, and they receive no form of payment for their work.

## **2.3 Legislative framework**

The 1993 Constitution prohibits slavery, servitude and trafficking of human beings in all its forms, (Article 2, no. 24). It also states that no one should be made to work without giving their consent and without reward, which should be fair and sufficient (Article 24). These constitutional norms, however, are not enshrined in legislation.<sup>10</sup>

There is very little in current legislation or the Penal Code that refers to slavery or forced labour. One labour regulation refers to the necessity of voluntary will when contracting labour<sup>11</sup> and one article in the Penal Code refers to “crimes

<sup>7</sup> This community is based in Sinchi Roca in San Alejandro.

<sup>8</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op. cit.*, page 13.

<sup>9</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op. cit.*, page xi.

<sup>10</sup> Although Article 55 of the Constitution ratifies ILO Conventions 29 and 105 to form part of national legislation, the legal framework does not exist to typify forced labour as a criminal offence with sanctions or to provide reparations for the workers by the state for non-voluntary work.

<sup>11</sup> The same labour regulation also recognises the right to remuneration, although it states that this can be in money or in kind and does not specify the minimum that should be paid in cash.



against the freedom to work".<sup>12</sup> These measures are wholly inadequate for dealing with the practice of forced labour.

## 2.4 Institutional and government response

The National Inter-Sectoral Commission for the Eradication of Forced Labour (*La Comisión Nacional Intersectorial para la Erradicación de Trabajo Forsozo*) has proposed the creation of a specific law on forced labour that will tackle the issue of forced labour holistically, focusing on all the activities that are involved in forcing people to work, including entrapment and the creation of a cycle of debt.

The Peruvian Government has recognised the problem of forced labour at various junctures over the last ten years, yet the situation continues in 2006.

Interviews carried out by the ILO demonstrate that the authorities are aware of the problem. In Madre de Dios, an official of the Commission against Illegal Logging in the Ministry of Agriculture (*Comisión de Lucha contra la Tala Ilegal del Ministerio de Agricultura*) has photographic evidence confirming the existence of illegal camps in the indigenous territories. A study in 2003<sup>13</sup> found that in just one district in Madre de Dios, 92 per cent of the 261 camps in the area were on the land of isolated indigenous communities. The ILO also spoke to a number of officials from the Ministry of Labour and the Anti-Logging Police who confirmed knowledge of the system of debt and high prices charged for food and basic goods.<sup>14</sup> However, most officials did not regard this practise as forced labour, rather a system of poor labour conditions.

The Government has recently accepted the ILO's findings in its forced labour report and recognises the existence of forced labour in the Amazon, the methods of recruitment and entrapment, as well as the figure of 33,000 forced labourers in the Amazon.

In June 2005, the National Inter-Sectoral Commission for the Eradication of Forced Labour (*La Comisión Nacional Intersectorial para la Erradicación de Trabajo Forsozo*)<sup>15</sup> was established to tackle the issue. It is made up of the ministries of labour, agriculture, energy and mining, interior, justice, women and social development, and the national ombudsman.

A National Plan of Action for the Eradication of Forced Labour was published in November 2005. The Plan highlights the lack of knowledge and information available to the local population, as well as the role of local and regional authorities in recognising and preventing forced labour. The Plan outlines the factors that lead to forced labour as being extreme poverty, very low population density in the Amazon, a lack of labour markets, a lack of credit markets, a lack of state presence, impunity, and a lack of knowledge regarding timber markets and prices. The Plan also identifies indigenous populations as the most vulnerable and therefore requiring special attention from the Commission.

The Commission's Plan of Action contains the following components:

- 1) Legislative reform will include an analysis of current legislation and the Penal Code to assess how legislation needs to be modified to include forced labour in its remit. All analysis into the viability of legislative and penal reform is to be carried out by the end of 2006.

With regards to legislation the three key priorities are:

- Investigate the possibility of implementing changes to the law that include a legal definition of forced labour, as well as analyse national capability to prosecute cases identified under the new law.
- Regulate and supervise employment agencies and other recruitment systems in order to prevent forced labour.

<sup>12</sup> This article refers to the use of threats and violence with the result of making someone provide free labour without any payment.

<sup>13</sup> Schulte-Herbruggen Bjorn and Hefried Rossiter, *A Sociological Investigation into the Impact of Illegal Logging Activity in Las Piedras, Madre de Dios, Peru*, London, 2003.

<sup>14</sup> Alvaro Bedoya Silvia-Santisteban and Eduardo Bedoya Garland, *op. cit.*, page 11.

<sup>15</sup> From hereon referred to as the Commission.

- Analyse the viability of establishing labour norms to regulate aspects of forced labour such as prices of basic goods in labour camps, number of hours worked per day, vacation and days off, remuneration in cash, frequency of payment, ability to leave the job, and ability to go home.

With regards to Penal Code reform, the three key priorities are:

- Criminalise forced labour with strong penalties, including prison sentences.
- Improve the capabilities of the police, prosecutors and judges to prosecute and punish those responsible for forced labour, and end impunity.
- Elaborate a penal norm banning the sale of products manufactured using forced labour.

2) Institutional reform is to be carried out in 2006 and 2007 and contains the following five key priorities:

- Strengthen key state institutions in their ability to work together to supervise and monitor forced labour. The key institutions include the Ministry of Employment, the State Department (in particular the crime prevention unit), regional and local governments and the National Police.
- Set up systems to monitor and report forced labour practices, such as free phone lines, assistance and protection plans.
- Set up a group of public officials responsible for the control and supervision of anti-forced labour plans, similar to the special task force against slavery in Brazil.
- Establish a database to understand the magnitude and characteristics of forced labour. It should contain information on the number of inspections carried out, numbers of people involved, numbers of people freed, lessons learned and various methods of combating forced labour.
- Strengthening local and regional governments by training them in protection and prevention systems.

3) Strengthening and developing capacity of vulnerable groups will involve training them in the knowledge and skills to improve their economic circumstances, create alternative economic activities and develop the local

economy. Increased political representation and participation will also be key to increase community empowerment and their ability to defend their labour rights. These activities will take place over a five year period, from 2006 to 2010.

- 4) Awareness raising and training of authorities, employers, workers groups, civil society and local populations to understand and recognise forced labour, and distinguish it from poor labour practices and exploitation. Publication of all research into forced labour should be supported by media campaigns highlighting labour rights and good practices to be adopted by employers. Training will be carried out in the form of workshops with vulnerable groups, local authorities and employers. The timeline for all activities is three years, from 2006 to 2008.
- 5) Further research into the other forms of forced labour identified by the end of 2006. The Plan has highlighted other forced labour practices to be investigated including domestic work, nuts harvesting, mining and fishing. The research will seek to outline the practices taking place, the number of victims, the causes and factors leading to forced labour, the vulnerable groups, the regions where the practice occurs, and recommendations for eliminating the practices.

## 2.5 Conclusions

Anti-Slavery International welcomes the positive moves being made by the Peruvian Government to date with regards to its acceptance of the ILO report on forced labour and the creation of the National Commission on Forced Labour and the National Plan of Action. The Commission and Plan are the first concrete steps in combating forced labour.

Although the Plan is comprehensive and forward-looking, Anti-Slavery International has a number of concerns regarding implementation. The Commission does not have any permanent staff or funds dedicated to carry out the National Plan. It relies very heavily on the ILO to provide all of the technical assistance, as well as to access the financial support necessary. Changing entrenched

practices in remote parts of the country will require a long term commitment of human and financial resources. The Government must also provide funding for the implementation of the National Plan through its national budget.

The Government has been aware of the issue of forced labour for ten years now and must move forward swiftly to deal with the issue. Legislative and Penal Code reform are critical elements of the Plan, and should be implemented as a matter of priority. However, the Plan still talks in terms of assessing the viability of changes to the law. It is imperative that the Government carries out these analyses as soon as possible and puts together a timetable for changing legislation and the Penal Code. Legislative and Penal Code reforms should include establishing a legal definition of forced labour and specific measures to regulate the sectors and activities where forced labour is present. The Penal Code should criminalise forced labour and improvements in law enforcement and prosecution are needed to successfully challenge impunity.

The Government has yet to consider the issues of rehabilitation and compensation for forced labourers, both of which are absent from the current National Plan. These elements are key to a national plan that wishes to eliminate the practice of forced labour permanently and not risk freed forced labourers returning to the practice at a later date.

## 3. Domestic work

### 3.1 The social context of domestic work in Peru

The factors that define a practice as slavery often exist in the case of domestic workers; threat and/or use of violence to control the worker, lack of freedom of movement, and the inability to leave the job in combination with other factors such as denial of one's human and labour rights, and lack of payment (regular or otherwise).

Domestic workers, living and working in the

homes of their employers, are a largely invisible and powerless sector of society and therefore vulnerable to exploitation. The majority of domestic workers are girls and young women. Many of them have never left home before, are inexperienced in the world and implicitly trust their employers.

Young children and adolescents leave their poor, rural homes to work for an employer or relative in the city. Often parents allow children to go to a particular home to pay off a debt or in the hope of receiving money in the future, either as a one-off payment or regular income from the child. The child usually does not receive any benefits except for food and accommodation. However, there is the expectation that the child will go to school in the city. The reality is that for most employers education is not a priority and most children do not attend school for very long, if at all. For the few who are allowed to attend school, night school may be the only option, which exposes children to a number of risks outside of the home.

Children are particularly vulnerable to exploitation and abuse. Many live with their employers and have very little contact with their family. Their isolation and inexperience make it very difficult for them to demand their rights, seek support and denounce abuse. The concept of child rights is still new in Peru. Child domestic labour is socially acceptable in Peru, with a high degree of toleration for exploitative and abusive practices.

At the national level, it is estimated that there are 300,000 domestic workers, of which 110,000 are under 18. However, it is possible that these figures heavily underestimate the real figure of domestic workers as it does not include people working for their own or extended families. The Census is also carried out on a Sunday, when many domestic workers are not in the house so they are unaccounted for.

### 3.2 Working conditions and abuses

Most domestic workers live with their employers. They have to cook, clean, wash clothes, look after other children and shop in the market. An ILO

<sup>16</sup> ILO-IPEC Sudamérica, *Perfil del Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú: Contexto, Estudios y Resultados*, ILO, Lima, 2004.

rapid assessment of child domestic workers in Peru<sup>16</sup> found high levels of abuse and exploitation. Many children worked all day without any time off, had no days off or vacation time, were prohibited from attending school and suffered physical and other forms of abuse.

The ILO rapid assessment found that children under 14 were treated worse than children over 14. They were made to do much more of the arduous chores, such as washing clothes and ironing, because they are less likely to complain. All children were expected to work at least 12 hours a day, whilst being available to their employer 24 hours a day.<sup>17</sup>

According to Peruvian law, every domestic worker is entitled to one day off a week and guaranteed vacation time. The ILO's rapid assessment found that 40 per cent of children said they didn't get a regular weekly day off, with 21 per cent saying that they had never had a day off. 76 per cent of children said they had never had a vacation or did not know if they were allowed a holiday.<sup>18</sup>

Without holidays or days off it is very difficult for children to maintain contact with their parents: 40 per cent of mothers said they did not know where their children worked.<sup>19</sup> With little or no contact or support from parents and no supervision of employers or working conditions, children are extremely vulnerable to abuse.<sup>20</sup>

The most common form of abuse was verbal abuse (52 per cent of children reported it), followed by physical punishment and being made to work when ill. Although the figures reported for sexual abuse were low (8 per cent), it is likely to be an underestimation given the stigma and shame attached to admitting this form of abuse.

Many domestic workers are indebted to their employers. Deductions are made from their salaries for food, accommodation, medical costs and breakages that occur in the house. As their salary will not cover all expenses they often find that they do not receive any money at all.

It is very common for employers to keep hold of domestic workers' official documents. Thus,

employers are able to establish very strong control over their employees, for without any money or identity documents it is difficult for a domestic worker to leave her employer's house and escape.

In Peru, every citizen is obliged to carry their identity documents with them and show them when required to do so by officials. Domestic workers risk being arrested by police for failure to show their identity cards when asked, and sent back to their employer. There have been cases where minors have run away only to be returned to their employers, whom the police regard as their legal guardians, which they are not. For most domestic workers returning home is not an option given their sense of shame and failure. Many domestic workers feel that to return home without being able to help their families and with no means of earning a living in their own villages would be an unacceptable burden on their families.

Other control mechanisms employed include prohibiting domestic worker from leaving the house, attending school or maintaining contact with family and friends. This isolation greatly increases the risk of abuse.

During interviews carried out by Anti-Slavery International, one prominent NGO working with domestic workers highlighted that the domestic worker is also further trapped because she is not able to simply pack up her things and leave. She has to first go to the police station, file her complaint and return to the house with the police to collect her things. Given that the domestic worker knows that if she returns home with a policeman it is likely she will be accused of stealing, it becomes extremely difficult for her to leave. Given the extreme inequalities that exist in Peruvian society and the very low status awarded to domestic workers, the police usually believe the word of the employer over the word of the domestic worker and oblige her to return home with her employers or threaten to prosecute her.

According to an active domestic workers' NGO, domestic workers are extremely vulnerable to sexual abuse from male members of the family. Until recently it was not uncommon for young men to have their first sexual experiences with the domestic workers in their home. Although this is less socially acceptable now, sexual abuse does

<sup>18</sup> ILO-IPEC Sudamérica, *op.cit.*, page 72.

<sup>19</sup> ILO-IPEC Sudamérica, *op.cit.*, page 83.

<sup>20</sup> ILO-IPEC Sudamérica, *op.cit.*, page 90.

<sup>21</sup> ILO-IPEC Sudamérica, *op.cit.*, page 87.

continue and girls are threatened in order to keep them quiet. Not only do the domestic workers risk catching sexually transmitted diseases but they also risk destitution, for if they become pregnant they will be evicted from their employer's house, who will not want to have anything more to do with them. With no support network and faced with supporting themselves on the streets, some domestic workers turn to prostitution to survive.

In interviews carried out by Anti-Slavery International, ILO-IPEC highlighted the issue of the link between child domestic workers and commercial sexual exploitation. Young girls, when outside employers' homes, are vulnerable to the advances of men wishing to exploit them. The men are aware that the girls are inexperienced and live without parental support or supervision. They approach the girls with offers of friendship, love and better lives which many of the young girls desperately want to believe.

ILO-IPEC has identified night schools as places that leave girls particularly vulnerable and exposed. Some of the girls are as young as ten years old, attending the schools from 6pm-10pm. Late at night, and with no guards at the school gate to protect them, it is very easy for the men to approach the girls and befriend them. Over time they become the girls' "boyfriends" and are able to convince them to leave their employer and live with them. Once the girl is with him, he forces her to prostitute herself. Within schools girls are recruited into commercial sexual exploitation by other students. ILO-IPEC reported that one study found that 70 per cent of girls who ended up prostituting themselves were introduced to it by a night school pupil or a man they met at the gates.

Although the law states that children must be at least 15 to attend night school, the pressure to fill classes means teachers accept much younger students. And if children are offered the opportunity to study they will take it, no matter what the risks.

<sup>21</sup> Including HIV, which is rising fastest in heterosexual men and women in Peru.

<sup>22</sup> Asociación Grupo de Trabajadores Redes (AGTR), *Las Ciudadanas Más Marginadas*, AGTR, Lima, July 2005, pages 69-70.

## Case study<sup>22</sup>

**Maria Felicitas' parents died of pneumonia when she was seven. She was taken to Puno, a town in southern Peru, to work for a family friend, where she was treated badly. She was prohibited from attending school, frequently beaten (for matters as trivial as burning the rice), and caught pneumonia after being made to wash clothes outside in the cold.**

**At the age of 10, she was sent to Lima to work for a new family. Her daily routine was to wake up at 4am to feed the chickens, ducks and dogs. Between 5am and 8am she would be in the kitchen making breakfast for the family and preparing lunch. She would then clean the house and carry out other chores. At 6pm she was allowed to attend night school, which finished at 10pm. She would still be expected to wash clothes before she went to bed.**

**Maria tried to escape on a number of occasions. The employer would go looking for her and every time the police found her they would return her to the employer as she was a minor.**

**When she was 13 years old the employer's husband began to take an interest in her. He would enter her bedroom late at night and make sexual advances. In order to protect herself from being raped Maria moved bedrooms to sleep on the floor of his daughter's bedroom. The employer, aware of her husband's advances, beat Maria for flirting with her husband and accused her of trying to seduce him. Finally, she was thrown out of the house and sent back to Puno. Once in Puno, Maria wanted to report her abuse and mistreatment to the police but was dissuaded in doing so by her sisters who were afraid of the police. Finally Maria had no choice but to return to Lima to work again as a domestic worker.**

### 3.3 Legislative framework

The Domestic Workers' Bill 2003 (*La Ley de los Trabajadores del Hogar*) recognises certain rights and benefits for adult domestic workers, such as eight hour working day, days off on all public holidays, 15 days paid vacation a year and a salary bonus in July and December. The law also states that there must be a contract between employer and domestic worker. However this agreement can be written or verbal and in cases of disagreements between the employer and worker it often becomes a matter of their words against each other. The law remains largely dormant, with very few domestic workers aware of their rights and few employers concerned about their responsibilities to their workers under the law.

In the case of children, labour legislation also identifies domestic work as a special form of dependent work, where the worker is more dependent on their employers as they provide them with food and accommodation. However, there are discrepancies between the Code for Children and Adolescents (*Código de Niños y Adolescentes*) and the National Plan of Action for Child Labour and Protection of the Adolescent Worker 1996-2000 (Plan Nacional de Atención al Trabajo Infantil y de Protección al Adolescente Trabajador) in aspects such as minimum age for starting work and the classifications and risk attached to domestic work.

### 3.4 Institutional and government response

The Commission for the Eradication of Forced Labour has recognised domestic work as a sector where forced labour takes place which merits further investigation. They have agreed to investigate the issue with research findings and recommendations to be published by the end of 2006.

There are currently no state programmes for delivering services or support to domestic workers. Two new initiatives have been created to look at the issue of child labour, but again neither initiatives focus on child domestic workers.<sup>23</sup> The

institutions looking at issues of childhood and adolescence tend to focus on public instances of child labour, such as street children, and therefore exclude child domestic workers.

The National Institute of Family Wellbeing (*Instituto Nacional de Bienestar Familiar*) focuses its activities on children abandoned or at risk. For example, the National Programme against Domestic Violence and Sexual Abuse (*Programa Nacional contra la Violencia Familiar y Sexual*) is the only state support available to child domestic workers even though it does not actually consider them as one of its target groups.

In terms of protection, the judiciary in Peru have the power to remove children from homes where they are employed as domestics and place them in the care of an institution dedicated to child protection. The National Institute of Family Wellbeing has 33 homes in the country, all of which are full to capacity and require more qualified staff to run them properly.

### 3.5 Conclusions

Domestic workers, living and working in the homes of third parties, are a largely invisible and powerless sector of society and therefore vulnerable to exploitation and mistreatment by abusive employers. The majority of domestic workers are girls. Their age, gender, and inexperience of city life make them particularly vulnerable to forced labour and other forms of abuse by their employers.

Although there has been some engagement with this issue over the last 10 years, progress has been slow due to the private sphere the workers inhabit and the prevailing attitudes of mainstream Peruvian society towards the treatment of domestic workers. However, in November 2005 the National Commission for the Eradication of Forced Labour highlighted domestic work as one of the areas which need further investigation.

The Commission needs to move beyond simply investigating the issue to outlining a timetable for a programme of legislative change and institutional capacity building so that domestic

<sup>23</sup> New measures by the Government include the creation of the "Inter-institutional Roundtable on Child Labour" (*Mesa Interinstitucional sobre Trabajo Infantil*) and the Council Services for Children and Adolescents (*Servicio de Defensorías del Niño y el Adolescente*).

workers become a focus of government policy, with a dedicated budget and a government department responsible for implementing change and guaranteeing domestic workers their rights.

The Government needs to create institutions responsible for providing support services to domestic workers and child domestic workers, such as refuge homes for short term relief, education and retraining specifically designed for domestic workers, as well as financial support and counselling services.

The Government must also take a firmer role in enforcing the Domestic Workers Rights Bill and ensure that domestic workers are guaranteed the working conditions and rights enshrined in law. The Government needs to train and strengthen state and local institutions such as the police, judiciary and local governments in understanding and implementing the law, in order to protect domestic workers. Domestic workers must be registered and in full possession of their documents, as well as their salaries. Although difficult to monitor, the Government must ensure

that domestic workers have access to the correct support and information services so that they are fully aware of their rights, the law and assistance available to them.

With regards to child domestic workers, the Government must include them as a specific group within its National Plan for the Eradication of Child Labour. Night schools need to be properly monitored and controlled to protect children from the associated risks of attending night school. There needs to be wider dissemination of the law regarding minimum ages for child workers and rigorous enforcement by the authorities.

Anti-Slavery International welcomes the Government's positive steps in recognising domestic work as a forced labour issue, and one that merits further investigation. However, the Government and other state and local institutions must take immediate action to protect and support domestic workers, especially given that the majority of them are children when they begin working and susceptible to abuse and exploitation.

## 4. Trafficking of women and children for commercial sexual exploitation

### 4.1 Social context of trafficking in Peru

In Peru, 52 per cent of the population live below the poverty line. Only 35 per cent of the female economically active population are able to find work, which pays well under the minimum wage of 460 soles a month (US\$137). Twenty per cent of households are headed by women, and this is an increasing trend. With less employment opportunities and lower wages than men, women are becoming increasingly desperate to find work and therefore more susceptible to offers of good wages and employment in other cities and abroad.<sup>24</sup> The majority of women trafficked are forced into commercial sexual exploitation, but some are trafficked for forced labour.

### 4.2 The realities of trafficking for commercial sexual exploitation

The International Organization for Migration (IOM) carried out research on trafficking of women for the purpose of sexual exploitation in conjunction with the NGO, Movimiento el Pozo, in 2004. They examined data from a free phone line dedicated to helping trafficked women, as well as interviewed victims of trafficking and local, state and external actors to analyse the situation. They identified a total of 84 trafficking cases, of which 16 were trafficked internationally and 62 were trafficked nationally. An analysis of media reports found that the many women were promised better

<sup>24</sup> Movimiento el Pozo and International Organization for Migration, *Trata de Mujeres para Fines Sexuales Comerciales en el Perú*, Lima, IOM, 2005, page 24.

jobs (45 per cent), whilst others were tricked by men promising relationships or marriage (17 per cent) and by newspaper adverts (14 per cent).

In a separate study, Flora Tristán<sup>25</sup> identified 38 female victims of trafficking. The majority were forced to prostitute themselves in bars and nightclubs, living under threats of violence and death. The majority were minors: three were between eight and 12 years old, 26 were between 13 and 18 years old and nine were between 19-24 years old. 45 per cent of these young women had completed secondary school, whilst another 15 had been to secondary school but not completed it. 80 per cent of the girls were single. Many of the girls were from poor families where they had had to leave their schooling and find a job in order to contribute to the household income. Many of them had also suffered psychological, physical and sexual violence at home, which had increased their desire to leave home and find work abroad.

### Trafficking process

The trafficking process usually follows a similar pattern. The trafficker offers women jobs in other cities or abroad usually as a waitress, nanny, shop assistant or domestic help, with salaries ranging from US\$100-300 a month for jobs in Peru and up to US\$3000 a month for jobs abroad. The women are taken by the traffickers to their final destination (often not the one stipulated), have their documents taken away and are forced to prostitute themselves in bars, nightclubs and brothels. The women are ordered to pay off a debt for their transport, travel documents, food, accommodation and clothing.

Fear is instilled in the women as they face a series of abuses: the traffickers control where they go and who they speak to, they are denied food, they are often beaten and raped and threats are made against their family. They are often forced to drink alcohol and take drugs. Due to unprotected sex they are exposed to the dangers of sexually transmitted diseases, including HIV. Pregnancy is always a risk too, with women forced to have unsafe abortions.

### Methods of entrapment

Traffickers persuade women to leave their homes by tricking them with promises of decent work and wages. The main methods currently are through newspaper adverts, employment agencies, beauty pageants and “boyfriends”.

*Newspaper adverts:* In national and local papers jobs are advertised for work abroad and in Peru. The adverts seem harmless enough, often specifying jobs as domestic workers, nannies, shop assistants or waitresses. They offer very good salaries, with other benefits such as food, accommodation and medical insurance included. There is usually a fee for administration costs and travel that will be reimbursed once the woman starts working. However, the contact number is a mobile number and a false name (individual or company) is given in order to be completely untraceable should the police choose to investigate. The women are interviewed in offices, often made to look like travel agencies. The traffickers interview them to assess their potential vulnerability asking them about their family life, knowledge of foreign languages, their economic situation and number of dependants.

*Beauty pageants:* The following case study is typical of this type of entrapment. Carolina (not her real name) was approached by a Uruguayan and a Gabonese man to take part in a beauty pageant. They provided her with a manager and US\$700 to go to Colombia with an offer of US\$30,000 if she won. She actually ended up in Gabon and found herself in a very violent situation and forced to prostitute herself. She managed to escape and return home where the case was the focus of much media attention in 2004 and sparked much debate about international trafficking.<sup>26</sup>

*Boyfriends and false husbands:* Men seek out naive girls and young women to seduce. They convince them that they love them and promise them a brighter future abroad where they can both work and earn a decent living. The girls then go with the men and then find themselves forced to work or prostitute themselves. There have also been reports of girls getting married to European men in Peru and taken to different European

<sup>25</sup> Flora Tristán, *Diagnóstico sobre Trata de Mujeres, Niños y niñas en Ocho Ciudades del Perú*, Lima, Flora Tristán, 2005, page 56.

<sup>26</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 55.



countries where they had their passports taken away, were prevented from contacting their family or friends and were forced to prostitute themselves.<sup>27</sup>

### Trafficking routes

The majority of Peruvian women trafficked (internally and internationally) tend to be teenagers and women in their twenties. It is extremely difficult to determine the trafficking routes of these women. The traffickers use various routes to avoid detection and to confuse the women so they are not sure where they are. Internationally, the main destinations for sexual exploitation appear to be the Americas, Europe and Japan.<sup>28</sup> Central America, USA and Spain are common destinations for forced labour and servitude.<sup>29</sup>

The source areas tend to be economically active regions of Peru, but where there is little paid work for women.<sup>30</sup> Yurimaguas, Iquitos and Pucallpa are Amazon cities, known for their logging industries, whilst Tacna (in the south) and Piura (in the north) are mining zones. Tumbes, Tacna, Iquitos, Pucallpa, Puno and Cusco are the key border areas with agricultural activities.<sup>31</sup>

Women trafficked internationally tend to be of a slightly higher economic and social class, with aspirations of bettering their lives with a well paid job abroad. These women aspire to a better standard of living and have access to some minimal resources as most leave the country with the necessary documents and passports.

However, most do not speak a foreign language or have the economic means to return to Peru, and have lost contact with their family and friends.

<sup>27</sup> Flora Tristán, *op. cit.*, page 50.

<sup>28</sup> Specifically the countries in the report are USA, Japan, France, Spain, Italy, UK, the Netherlands, Gabon, Argentina, Bolivia, Brazil, Chile and Ecuador.

<sup>29</sup> Specifically, the countries are Guatemala, Mexico, Dominican Republic, Venezuela, Spain and USA.

<sup>30</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 57.

<sup>31</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 44.

<sup>32</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 47.

<sup>33</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 41.

## Case study: International trafficking

**In 1999, Maria (not her real name), 25 years old, accepted a job offer from a neighbour to clean offices in Buenos Aires. When she arrived in Buenos Aires, her neighbour took her to a house and locked her up with other young women in the house. She was told she would have to prostitute herself. She was denied food and water for three days until she agreed to do so. Throughout her time in the brothel the traffickers used violence and other threats to force the women to do what they wanted. The girls were all indebted to the traffickers and were not paid at all. Maria escaped in 2005 with the help of another person in the house, and returned home with the assistance of the IOM.<sup>32</sup>**

**It is equally difficult to track routes of women trafficked internally. However the research conducted by the IOM and Movimiento el Pozo highlighted the following cities as destinations for girls inside Peru.<sup>33</sup>**

## Principal internal routes

|          |  |
|----------|--|
| Lima     | is considered a principal destination for women from all over the country. |
| Piura    | receives girls from the Amazon and the coast.                              |
| Tarapoti | receives girls from Iquitos and other towns in the San Marti province.     |
| Loreto   | girls come from the entire country.  |
| Pucallpa | receives girls from Lima and Cusco.  |
| Puno     | girls come from Bolivia.   |
| Tacna    | Girls come from Cusco, Puno, Arequipa and Lima.                            |

Women trafficked internally tend to be from poor and deprived backgrounds, living on or below the poverty line, with very little resources or opportunities. The traffickers often seek out young

women with children, in order to exploit their desire to provide for their families and to be able to threaten harm to their children should they not comply with their demands or try to escape.

## Case study: Internal trafficking for forced labour<sup>34</sup>

Cecilia was 16 years old and living in Cusco when she was befriended by a young woman who offered her work. Cecilia had completed secondary schooling and was keen to return to her studies so she accepted the job offer on the proviso that it was only for 90 days, during her vacations. The young woman offered her and other girls a wage of 70 soles (US\$21) a month, as well as food, lodging and new clothes. The girls were told not to tell their parents they were leaving. They left in the middle of the night, travelling by bus to Itariato, a small town in the Amazon.

In Itariato, the girls were forced to work collecting coca leaves, as well cooking for the other male workers and washing their clothes. They had to collect 42 kilos of coca a day, and if they didn't meet their quota they were not given any food to eat. Cecilia resorted to eating fruit from the floor when she was short on her quota and often did not eat at all. The girls were locked in a room at night and constantly guarded.

Cecilia was made to wash clothes in the cold and rain, not given any treatment to clean her bites when out collecting coca leaves, and was denied medical attention when she fell carrying a heavy load of food down a steep path.

Some of the girls received two soles (US\$0.60) a day; however Cecilia received nothing due to her "indolent attitude", primarily because she refused to sleep with the male workers. The girls were forced to

sleep with the men and become their partners. In this way the girls could be forced to stay much longer in the area. Cecilia met one girl who had been there for six years, since she was 14, because she was now considered the wife of one of the men. The girls were frequently beaten and sexually abused. Cecilia managed to avoid being raped by fighting off the men, but she was beaten for doing so. Although Cecilia had no money, no documents and no idea where she was, she tried to escape many times. However, she was usually caught and taken back where she was beaten, made to work without food and made to sleep on the floor as punishment.

When Cecilia finally managed to escape, she went to the police to report everything that had happened to her. Although she knew the name of the family who had forced her and others to work, she was told by the police that they were not prepared to do anything because the eldest son of the traffickers was a policeman (he was responsible for recruiting young children without documents) and that the family were well-known in the community and close to many local officials. Even the local radio station refused to air her story.

To date, Cecilia has not received any money for the time spent working nor any assistance for any of the trauma and abuse she suffered. She feels very let down by the police and authorities, and worried for the new children and young women being forced to work in these conditions.

<sup>34</sup> Flora Tristán, *op. cit.*, page 65.

### Trafficking of children

Traffickers gain the trust of parents of children (usually between the ages of eight and 11 years old), by promising to look after the children, and providing them with education, food and accommodation. Parents are largely motivated by a desire to provide an education for their children, and the traffickers manipulate a cultural practice of “god parenting” where children are often sent to be looked after by a relative or friend.

Bolivia is the principal destination for children trafficked internationally from Peru, due to the proximity of the country, the ability to travel overland and the lax border controls. The Desaguadero point is used mainly for commercial purposes and is a point that it is particularly used by traffickers. Children tend to come from urban and rural zones of Puno, Cusco and Arequipa.<sup>35</sup>

## 4.3 Legislative framework

The Peruvian Constitution prohibits slavery, servitude and trafficking of human beings and ratified the United Nations Protocol on Trafficking in Persons (Palermo Protocol) in 2003. However, there is no law that addresses the issue of trafficking and there is only one reference to trafficking in the current legislation. The Government is currently putting together a proposal for a fully comprehensive law, based on the UN Palermo Protocol, with the technical assistance of the IOM. This was due to be finalised and approved in December 2005, however by June 2006 the details have yet to be made public.

Article 182 of the Penal Code defines trafficking as someone who promotes or facilitates the exit and entry into the country or movement within the country of a person for prostitution, sexual slavery, pornography and other forms of sexual exploitation. The sentence of imprisonment is for a minimum of five years and maximum of 10 years, with 12 years given for exceptional circumstances. However, Peruvian law does not cover trafficking for forced labour, servitude and slavery which is often the purpose of internal trafficking and the trafficking of boys and men.

## 4.4 Institutional and government response

The Multi-Sector Working Group against Trafficking (*Grupo de Trabajo Multisectoral Permanente Contra la Trata de Personas*) was set up in 2002. The Home Affairs Ministry is co-ordinating activities with the Working Group with other government departments and NGOs. They are currently working on a National Plan of Action, and developing a legislation proposal that has yet to be finalised or approved. The group suffers from a lack of co-ordination, fulltime staff and political instability - in the two years since the Working Group's creation there have been three changes of the Minister of the Interior. These factors have contributed to the failure to meet deadlines and the lack of continuity.

There is a general lack of knowledge and public policies on the issue of trafficking. The main actors interested in the issue are women's rights advocates and related authorities. Government officials, at the local and national level, demonstrate conceptual and practical misunderstandings regarding trafficking. Although some may be aware of the issue, they do not understand the concept or the international and national legal framework. Trafficking is viewed as prostitution or the “selling of people”. The various national and local authorities responsible for the issue do not work in co-ordination with each other, lack training and lack resources to deal with trafficking. For most, the main source of information regarding trafficking is the media.

Prostitution is legal in Peru and the police claim that there is little they can do if establishments' and women's documents are in order. Many of the attitudes of the police reflect the stereotypes held by the general population: that the women know what they are getting themselves into, and that girls from poorer backgrounds from the coast and the Amazon are more sexually active and promiscuous. The municipal authorities are generally not concerned with what takes place inside the bars and nightclubs, as long as the establishments pay their local taxes and maintain their official paperwork.

<sup>35</sup> Flora Tristán, *op. cit.*, page 49.

Trafficking may involve a number of separate crimes: rape, immigration offences, production of illegal documents, removal of documents, and transporting women and minors illegally, none of which are prosecuted. As the crime of trafficking has not yet been clarified in legislation or the Penal Code, it is extremely difficult for the police to collect all the crimes together and call it trafficking. There is a lack of infrastructure, capacity and training within law enforcement agencies to deal with this multi-layered and clandestine crime.

In interviews carried about by the IOM and Movimiento El Pozo police identified a need for knowledge and instruments available to them to be able to detect trafficking taking place at borders.

In 2005, the Vice-ministry of Women decided to eliminate its National Programme against Sexual and Domestic Violence from its remit, which will now move to the National Institute for the Well-Being of Children and the Family. This national programme contained the only emergency support services for women of sexual and domestic abuse (including trafficked women). By moving this programme and its emergency centres to a family-centric institution, the program's ability to focus on trafficked women will be severely diminished.

The Ministry for External Relations is responsible for providing legal and support services to nationals abroad. The embassies have a fund for the repatriation and assistance of Peruvian nationals, although no specific fund exists for the victims of trafficking. There is also a free international phone service for trafficked victims to call, however an evaluation carried out in 2004 by the IOM found only 23 out of 71 phone lines in other countries had working services. Trafficked women who have gone to the embassy for assistance have often been told that the embassy cannot help them.

## 4.5 Conclusions

The Multi-Sector Working Group against Trafficking was set up in 2002, but has yet to finalise and publish a National Plan of Action against Trafficking. In an interview with Anti-Slavery International, the Working Group stated that they were due to publish a National Plan of Action by December 2005. However, in June 2006 this still had not been done. It is imperative that the Working Group publish this Plan as soon as possible, with a dedicated budget and realistic timeline. The Working Group on trafficking provides a good forum for developing and implementing a long term response to trafficking. For a national strategy against trafficking in persons to succeed, the participating institutions must be aware of their responsibilities, have specific targets to meet within set timeframes and be assigned adequate resources which allow them to do so.

Given that the Government ratified the United Nations Protocol on Trafficking in Persons in 2003, it should create appropriate legislation and enforce it. This legislation must define and penalise all trafficking in persons.

The institutions involved in combating trafficking need to be strengthened. For example, there is a clear need for technical training for the judiciary, police and immigration on the law and their responsibilities for implementing it. The need for training is not confined to law enforcement institutions. Training must also address current perceptions and attitudes which prevent individuals from properly identifying trafficking cases and taking the appropriate action to assist them.

Prosecutions will also be facilitated by greater awareness of the problem amongst the general public. The media is key to promoting greater understanding of the issue as it is the main channel for educating the public on the issue. Currently media reporting of trafficking cases tends to be sensationalist and adds to the misrepresentation and confusion of the issue.

<sup>36</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 70.

<sup>37</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 72.

<sup>38</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 73.

<sup>39</sup> Movimiento el Pozo and International Organization for Migration, *op. cit.*, page 74.

The National Plan of Action must include a provision of support services to be available to trafficked victims, which is currently not available. The Government needs to set up or fund appropriate centres to ensure they can deliver the required services. The Plan should also indicate which state institutions and civil society organisations will be responsible for the provision of such services. It is clear that the Government needs to work together with civil society, as it is beyond the capacity of Government to do all that is necessary to combat trafficking. Selecting and working co-operatively with other expert organisations in the field is key for any National Plan of Action to be successful. Each institution involved in counter-trafficking activities also needs to designate a contact person who will ensure that they comply with their responsibilities under the Plan and that they forward information and cases to a centralised point.

The Government also needs to consider how it can meet the basic needs of socially marginalised communities who are living at or below the poverty line. Providing better local education and employment options would help to address the root causes of trafficking.

## 5. Children working in mines

### 5.1 Socio-economic context of children working in mines

Globally, Peru is the second largest producer of silver and sixth largest producer of gold. However, the mines that are used by artisanal miners are usually mines abandoned by the industrial producers.<sup>40</sup> Artisanal mining is the most basic kind of mining, where everything is done with the most rudimentary tools and low technology equipment. It is literally mining “by hand”. The mines are owned by the workers through co-operatives, and for this reason there is very little capital investment in the mines or the tools they

use. Therefore productivity remains low and the use of manual labour is high. There is little available labour in mining areas, given the remote and isolated locations. The need for more hands to help with the work means that the workers involve all members of the family, including young children. Given the “low-tech” nature of the work, children can do many of the tasks.

It is estimated that 50,000 children work in hazardous conditions in the mining industry.<sup>41</sup> Activities range from extracting rocks containing gold deposits from rubble and entering subterranean mines to washing gold in rivers and using mercury to extract gold from rocks. The activity is concentrated in the districts of Madre de Dios, Puno, Ayacucho, Arequipa and to a lesser extent, La Libertad.

### 5.2 Working conditions and risks

Most young children work with their families, although some adolescents may sometimes be sent to work for other miners. Children start as young as five years old, helping their mothers pick rocks containing gold deposits on the periphery of the mine and clean them in rivers. When older, the boys begin to work with their fathers in the mines. They dig and carry the minerals out of underground mines, carry heavy loads of stone and rocks on their back out of surface mines, dive into flooded shafts to retrieve stones and in the case of gold, they use mercury to extract the gold from the rocks. The older girls continue to help their mothers collect the rocks, as well as take food to their fathers and carry out other domestic chores.

Accidents are common and can be fatal. Moreover, their health is damaged by the environment they live in. They are exposed to polluted air as well as soil and water contaminated with heavy metals and chemicals. The mines are extremely isolated and children expose themselves to great injury and harm without access to medical services nearby.<sup>42</sup>

<sup>40</sup> ILO, *Luces y Huellas para Salir del Socavón: Minería Artesanal, Desarrollo Sostenible y Eliminación del Trabajo Infantil*, ILO-IPEC, Lima, 2005, page 24. Gold is found in alluvial deposits, in the Department of Madre de Dios and the Ananea-Puno zone or in underground mines in the Departments of Ica, Arequipa, Ayacucho, La Libertad and Puno. According to the Ministry of Energy and Mining the largest artisanal mining area is Madre de Dios.

<sup>41</sup> ILO op.cit., page 26.

<sup>42</sup> ILO, op.cit., page 28.

In the extraction phase children risk accidents and inhalation of dust and toxic gases. Transporting heavy loads of rocks on their backs is beyond the physical capacity of a teenager and the children suffer from back and other physical injuries. They have to spend hours grinding the rocks with a chemical mix including mercury and cyanide. The list of possible health problems is alarming: chemical poisoning, torn and damaged muscles, cuts, bruises, fractures, excessive fatigue (further risking serious injury), damaged hearing from the explosions, skin lesions that increase their risk of cancer, and the high risk of accidents and injury from operating machinery. Many of the children also suffer from malnutrition, leaving them more susceptible to injuries and illness.

There have also been cases of alcohol and drug abuse by children in mining areas and prostitution of young women and girls. The mining areas have high incidence of domestic violence and abuse.

Often families who work in the mines live in disused parts of the mine, in precarious constructions made of wood and rush mats. They keep explosives, mercury and other chemicals inside their homes. There is no running water or toilets with electricity provided by a generator for a couple of hours a day.

### 5.3 Conclusions and recommendations

Given that most of the children mining are doing so with their families, the family needs to be the focus of much needed attention. Work needs to be done with local families in mining zones to challenge their acceptance of child labour as beneficial, as well as to emphasise the high risks and dangers that children are exposed to by mining.

The standard of education needs to be improved at all levels, whilst the Government must prioritise providing secondary schooling and vocational training which is often absent in mining regions. Children and parents need to be able to value schooling and skills training above the perceived benefits of children working. Recreational facilities should also be built to occupy children

#### Case study<sup>43</sup>

**Christian is 12 years old and works with his father in an abandoned gold mine in the Peruvian sierra. As a small boy he began by helping his mother extract small gold-bearing rocks from the rubble around the mine and by the age of seven he was an expert. He goes to school in the afternoons and after school he enters the mines with his father, helping him by carrying a carbon torch. They return home around midnight.**

**Christian's other responsibilities include removing the rubble from the entrance of the mine and helping his father blow up parts of the mine using dynamite. He then helps his father to extract the gold from the rocks using mercury. Christian and his father are not aware of the dangers of using mercury, although they are aware of the incurable illnesses and accidents that occur regularly. The first death that Christian saw was a man's head being crushed by a rock, after an explosion in the mine. Christian's father always makes a "payment" to the mine of coca leaves and alcohol to protect them. However, Christian has already begun to suffer back ache and other related ailments.**

out of school hours, as parents often see mining as a way to keep their children busy and out of trouble.

Economic alternatives need to be provided to mining families, to give them other options to earn a living, and not have to rely on the labour intensive but low productive activity of mining by hand. Alongside the provision of economic alternatives, there should be investment in mines to transform it from being an industry which depends on low wage costs and low standards of safety to make it competitive. The industry could then provide an income for families based on the

<sup>43</sup> César Mosquera Leyva, *Los Niños de las Minas*, ILO website, June 2005

labour of adults in a relatively safe working environment.

The Government needs to consider the issue of child labour in mining at the national level. Currently, the National Plan for the Eradication of Child Labour does not include any concrete policies on how to eradicate child labour in mines. The Committee for the Eradication of Child Labour needs to be supported by the Ministries of Employment and Energy and Mining in order to formulate a joint programme of work, with a dedicated budget and realistic timeline for action.

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Paraguay  
Peru

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Anti-Slavery International, founded in 1839, is committed to eliminating all forms of slavery throughout the world. Slavery, servitude and forced labour are violations of individual freedoms, which deny millions of people their basic dignity and fundamental human rights. Anti-Slavery International works to end these abuses by exposing current cases of slavery, campaigning for its eradication, supporting the initiatives of local organisations to release people, and pressing for more effective implementation of international laws against slavery. For further information see: [www.antislavery.org](http://www.antislavery.org)

**Registered charity: 1049160**



Anti-Slavery International would like to thank the European Commission for funding this project.

The views herein are those of Anti-Slavery International and in no way reflect the opinion of the funder.



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